

1  
2  
3  
4  
5  
6  
7  
8 UNITED STATES DISTRICT COURT  
9 CENTRAL DISTRICT OF CALIFORNIA  
10

11 Arrow Electronics, Inc., ) Case No. **CV 17-5247-JFW(JEMx)**  
12 Plaintiff, ) **STANDING ORDER**  
13 v. )  
14 Aetna Casualty & Surety )  
15 Company, et al., )  
16 Defendants. )

---

17 **READ THIS ORDER CAREFULLY. IT CONTROLS THE CASE AND**  
18 **DIFFERS IN SOME RESPECTS FROM THE LOCAL RULES.**

19 This action has been assigned to the calendar of Judge  
20 John F. Walter. Both the Court and counsel bear  
21 responsibility for the progress of litigation in Federal  
22 Court. To secure the just, speedy, and inexpensive  
23 determination of every action, all counsel are ordered to  
24 familiarize themselves with the Federal Rules of Civil  
25 Procedure, the Local Rules of the Central District of  
26 California, the General Orders of the Central District and  
27 the Judge's Procedures and Schedules found on the website  
28 / / /

1 for the United States District Court for the Central District  
2 of California (www.cacd.uscourts.gov).

3 **1. Service of the Complaint:**

4 The plaintiff shall promptly serve the Complaint in  
5 accordance with Fed.R.Civ.P. 4 and shall file the proof(s) of  
6 service pursuant to the Local Rules. **The plaintiff is hereby**  
7 **notified that failure to serve the Complaint as required by**  
8 **Fed.R.Civ.P. 4(m) will result in the dismissal of the**  
9 **Complaint against the unserved defendant(s).**

10 **2. Presence of Lead Counsel:**

11 Lead trial counsel shall attend all proceedings before  
12 this Court, including all scheduling, status, and settlement  
13 conferences. Only ONE attorney for a party may be designated  
14 as lead trial counsel unless otherwise permitted by the  
15 Court.

16 **3. Electronic Filing and Courtesy Copies:**

17 (a) Within ten days of a party's initial appearance, lead  
18 trial counsel shall file a declaration entitled, "Declaration  
19 of Lead Trial Counsel re: Compliance with Local Rules  
20 Governing Electronic Filing" which shall notify the Court  
21 that counsel has registered as an "ECF User." The  
22 declaration shall include counsel's "E-Mail Address of  
23 Record" and shall state whether counsel has consented or  
24 elected not to consent to service and receipt of filed  
25 documents by electronic means.

26 If counsel has not consented to the service and receipt  
27 of filed documents by electronic means, counsel shall  
28 immediately file and serve via U.S. Postal Service on all

1 parties who have appeared in the action a Notice advising all  
2 parties that counsel has elected not to consent to electronic  
3 service of documents in this action.

4 (b) All documents that are required to be filed in an  
5 electronic format pursuant to the Local Rules shall be filed  
6 electronically no later than 4:00 p.m. on the date due unless  
7 otherwise ordered by the Court. Any documents filed  
8 electronically after 4:00 p.m. on the date due will be  
9 considered late and may be stricken by the Court. Any  
10 documents which counsel attempt to file electronically which  
11 are improperly filed will not be accepted by the Court.

12 (c) Counsel are ORDERED to deliver **2 copies** of all  
13 documents filed electronically in this action to Chambers.  
14 For each document filed electronically, one copy shall be  
15 marked "CHAMBERS COPY" and the other copy shall be marked  
16 "COURTESY COPY." The "CHAMBERS COPY" and "COURTESY COPY" are  
17 collectively referred to herein as "Courtesy Copies." The  
18 Courtesy Copies of each electronically filed document must  
19 include on each page the running header created by the ECF  
20 system. In addition, on the first page of each Courtesy  
21 Copy, in the space between lines 1 - 7 to the right of the  
22 center, counsel shall include the date the document was  
23 e-filed and the document number. The Courtesy Copies shall  
24 be delivered to Chambers no later than 10:00 a.m. on the next  
25 business day after the document was electronically filed.  
26 All documents must be stapled, the electronic proof of  
27 service must be attached as the last page of each document,  
28 and the exhibits attached to any document must be tabbed.

1 Counsel shall not staple the "COURTESY COPY" and "CHAMBERS  
2 COPY" together. The "COURTESY COPY" and "CHAMBERS COPY" of  
3 all documents must be three-hole punched at the left margin  
4 with oversized 13/32" hole size, not the standard 9/32" hole  
5 size.

6 (d) For any document that is not required to be filed  
7 electronically, counsel are ORDERED to deliver 1 conformed  
8 copy of the document, which shall be marked "COURTESY COPY,"  
9 to Chambers **at the time of filing**.

10 (e) If the Court has granted an application to file  
11 documents under seal, the Court's Courtesy Copies shall  
12 include a complete version of the documents including any  
13 sealed documents with an appropriate notation identifying  
14 that portion of the document that has been filed under seal.  
15 For example, if the Court orders Ex. A to a Declaration filed  
16 under seal, the Court's Courtesy Copies of the Declaration  
17 should include Ex. A as an attachment with a notation that it  
18 has been filed under seal pursuant to the Court's order.

19 (f) In the unlikely event counsel finds it necessary to  
20 file a Notice of Errata: (1) the Notice of Errata shall  
21 specifically identify each error by page and line number and  
22 set forth the correction; and (2) a corrected version of the  
23 document in its entirety shall be attached to the Notice of  
24 Errata.

25 (g) When a proposed order accompanies an electronic  
26 filing, a WordPerfect or Word copy of the proposed order,  
27 along with a copy of the PDF electronically filed main  
28 document shall be e-mailed to JFW\_Chambers@cacd.uscourts.gov.

1 The subject line of the e-mail shall be in the following  
2 format: court's divisional office, year, case type, case  
3 number, document control number assigned to the main document  
4 at the time of filing, judge's initials and filer (party)  
5 name. Failure to comply with this requirement may result in  
6 the denial or striking of the request or the Court may  
7 withhold ruling on the request until the Court receives the  
8 required documents.

9 **4. Discovery:**

10 (a) All discovery matters have been referred to a United  
11 States Magistrate Judge. (The Magistrate Judge's initials  
12 follow the Judge's initials next to the case number.) All  
13 discovery documents must include the words "DISCOVERY MATTER"  
14 in the caption to ensure proper routing. Counsel are  
15 directed to contact the Magistrate Judge's Courtroom Deputy  
16 to schedule matters for hearing.

17 All decisions of the Magistrate Judge shall be final,  
18 subject to modification by the District Court only where it  
19 is shown that the Magistrate Judge's Order is clearly  
20 erroneous or contrary to law. Any party may file and serve a  
21 motion for review and reconsideration before this Court. The  
22 moving party must file and serve the motion within fourteen  
23 calendar days of service of a written ruling or within  
24 fourteen calendar days of an oral ruling that the Magistrate  
25 Judge states will not be followed by a written ruling. The  
26 motion must specify which portions of the ruling are clearly  
27 erroneous or contrary to law and support the contention with  
28 a memorandum of points and authorities. Counsel shall

1 deliver a courtesy copy of the moving papers and responses to  
2 the Magistrate Judge.

3 (b) Counsel shall begin to actively conduct discovery  
4 before the Fed.R.Civ.P. 26(f) conference because at the  
5 Scheduling Conference the Court will impose tight deadlines  
6 to complete discovery.

7 **5. Motions:**

8 **(a) Time for Filing and Hearing Motions:**

9 Motions shall be filed in accordance with the Local  
10 Rules. This Court hears motions on **Mondays commencing at**  
11 **1:30 p.m.** Once a party has noticed a motion for hearing on a  
12 particular date, the hearing shall not be continued without  
13 leave of Court. No supplemental briefs shall be filed  
14 without leave of Court. Courtesy Copies shall be provided to  
15 the Court in accordance with paragraph 3 of this Order. No  
16 motion shall be noticed for hearing for more than 35 calendar  
17 days after service of the motion unless otherwise ordered by  
18 the Court. Documents not filed in compliance with the  
19 Court's requirements will be stricken and will not be  
20 considered by the Court.

21 **(b) Local Rule 7-3:**

22 Among other things, Local Rule 7-3 requires counsel to  
23 engage in a pre-filing conference "to discuss thoroughly,  
24 *preferably in person*, the substance of the contemplated  
25 motion and any potential resolution." Counsel should discuss  
26 the issues with sufficient detail so that if a motion is  
27 still necessary, the briefing may be directed to those  
28 substantive issues requiring resolution by the Court.

1 Many motions to dismiss or to strike could be avoided if  
2 the parties confer in good faith especially for perceived  
3 defects in a Complaint, Answer, or Counterclaim which could  
4 be corrected by amendment. See, e.g., *Eminence Capital, LLC*  
5 *v. Aspeon, Inc.*, 316 F.3d 1048, 1052 (9th Cir. 2003) (where a  
6 motion to dismiss is granted, a district court should provide  
7 leave to amend unless it is clear that the Complaint could  
8 not be saved by any amendment). The Ninth Circuit requires  
9 that this policy favoring amendment be applied with "extreme  
10 liberality." *Morongo Band of Mission Indians v. Rose*, 893  
11 F.2d 1074, 1079 (9th Cir. 1990).

12 These principles require counsel for the plaintiff to  
13 carefully evaluate the defendant's contentions as to the  
14 deficiencies in the Complaint, and in most instances, the  
15 moving party should agree to any amendment that would cure a  
16 curable defect. Counsel should, at the very least, resolve  
17 minor procedural or other nonsubstantive matters during the  
18 conference.

19 All 7-3 conferences shall be conducted by lead counsel  
20 and shall take place via a communication method that, at a  
21 minimum, allows all parties to be in realtime communication  
22 (letters and e-mail, for example, do not constitute a proper  
23 7-3 conference). Notwithstanding the exception for  
24 preliminary injunction motions in Local Rule 7-3, counsel  
25 contemplating filing a preliminary injunction motion shall  
26 comply with Local Rule 7-3 and meet and confer at least five  
27 days prior to the filing of such a motion.

28 / / /

1        Within three days of the conference, counsel shall file a  
2 joint statement indicating the date, duration, and  
3 communication method of the conference and the participants  
4 in the conference. In addition, the joint statement shall  
5 detail the issues discussed and resolved during the  
6 conference and the issues remaining. Failure to strictly  
7 comply with the Court's requirements or Local Rule 7-3 will  
8 result in the striking and/or the denial of the motion.

9        **(c) Length and Format of Motion Papers:**

10        **Memoranda of Points and Authorities in support of or in**  
11 **opposition to motions shall not exceed 25 pages. Replies**  
12 **shall not exceed 12 pages.** Only in rare instances and for  
13 good cause shown will the Court grant an application to  
14 extend these page limitations. Courtesy Copies of all  
15 evidence in support of or in opposition to a motion,  
16 including declarations and exhibits to declarations, shall be  
17 separated by a tab divider on the bottom of the page. If  
18 evidence in support of or in opposition to a motion exceeds  
19 twenty pages, the Courtesy Copies of the evidence shall be  
20 placed in separately bound volumes and include a Table of  
21 Contents. If such evidence exceeds fifty pages, the Court's  
22 Courtesy Copies of such evidence shall be placed in a slant  
23 D-ring binder with each item of evidence separated by a tab  
24 divider on the right side. All documents contained in the  
25 binder must be three hole punched with the oversized 13/32"  
26 hole size, not the standard 9/32" hole size. The binder  
27 shall include a Table of Contents and the spine of the binder  
28 shall be labeled with its contents.



1       **Typeface shall comply with the Local Rules. NOTE: If**  
2       **Times Roman is used, the font size must be no less than 14;**  
3       **if Courier is used, the font size must be no less than 12.**

4       Footnotes shall be in the same typeface and font size as the  
5       text and shall be used sparingly.

6       Documents which do not conform to the Local Rules and  
7       this Order will not be considered.

8       **(d) Citations to Case Law:**

9       Citations to case law **must** identify not only the case  
10      being cited, but the specific page referenced. In the event  
11      it is necessary to cite to Westlaw or Lexis, the Court  
12      prefers that counsel cite to Westlaw. Hyperlinks to case  
13      citations must be included.

14      **(e) Citations to Other Sources:**

15      Statutory references should identify, with specificity,  
16      which sections and subsections are being referenced (e.g.,  
17      Jurisdiction over this claim for relief may appropriately be  
18      found in 47 U.S.C. § 33, which grants the district courts  
19      jurisdiction over all offenses of the Submarine Cable Act,  
20      whether the infraction occurred within the territorial waters  
21      of the United States or on board a vessel of the United  
22      States outside said waters). Statutory references which do  
23      not specifically indicate the appropriate section and  
24      subsection (e.g., Plaintiffs allege conduct in violation of  
25      the Federal Electronic Communication Privacy Act, 18 U.S.C. §  
26      2511, *et seq.*) are to be **avoided**. Citations to treatises,  
27      manuals, and other materials should similarly include the  
28      volume and the section referenced.

1           **(f) Proposed Statement of Decision**

2           Within two days of the filing of the Reply, each party  
3 shall lodge a Proposed Statement of Decision, which shall  
4 contain a statement of the relevant facts and applicable law  
5 with citations to case law and the record. The Proposed  
6 Statement of Decision shall not exceed ten pages and shall be  
7 in a form that would be appropriate for the Court to enter as  
8 its final order on the motion. The Proposed Statement of  
9 Decision shall be submitted to the Court in accordance with  
10 the Local Rules.

11           **(g) Opposing Papers**

12           Within the deadline prescribed by the Local Rules, a  
13 party opposing a motion shall file: (1) an Opposition; or (2)  
14 a Notice of Non-Opposition. If a party files a Notice of  
15 Non-Opposition to a motion under Federal Rule of Civil  
16 Procedure 12(b), (e), or (f), that party shall state whether  
17 it intends to file an amended complaint in accordance with  
18 Federal Rule of Civil Procedure 15(a)(1).

19           **Failure to timely respond to any motion shall be deemed**  
20 **by the Court as consent to the granting of the motion. See**  
21 **Local Rules.**

22           **(h) Amended Pleadings**

23           In the event the Court grants a motion to dismiss without  
24 prejudice to filing an amended complaint, the plaintiff shall  
25 file an amended complaint within the time period specified by  
26 the Court. If no time period is specified by the Court, the  
27 plaintiff shall file an amended complaint within fourteen  
28 calendar days of the date of the order granting the plaintiff

1 leave to file an amended complaint. Failure to file an  
2 amended complaint within the time allotted will result in the  
3 dismissal of the action with prejudice.

4 Whenever a plaintiff files an amended pleading, a  
5 redlined version of the amended pleading shall be delivered  
6 to Chambers indicating all additions and deletions to the  
7 prior version of that pleading.

8 In addition to the requirements of the Local Rules, all  
9 motions to amend the pleadings shall: (1) state the effect of  
10 the amendment; (2) be serially numbered to differentiate the  
11 amendment from previous amendments; and (3) state the page,  
12 line number(s), and wording of any proposed change or  
13 addition of material. The parties shall deliver to Chambers  
14 a redlined version of the proposed amended pleading  
15 indicating all additions and/or deletions of material.

16 **6. Ex Parte Applications:**

17 Ex parte applications are solely for extraordinary  
18 relief. See *Mission Power Eng'g Co. v. Continental Cas. Co.*,  
19 883 F. Supp. 488 (C.D. Cal. 1995). Applications that fail to  
20 conform with the Local Rules, including a statement of  
21 opposing counsel's position, will not be considered. In  
22 addition to electronic service, the moving party shall  
23 immediately serve the opposing party by fax or hand service  
24 and shall notify the opposing party that any opposition must  
25 be filed not later than twenty-four hours after the filing of  
26 the ex parte application. If counsel does not intend to  
27 oppose the ex parte application, counsel shall immediately  
28 inform the Courtroom Deputy by e-mail and immediately file a

1 Notice of Non-Opposition. The Court considers ex parte  
2 applications on the papers and usually does not set the  
3 matters for hearing. Courtesy Copies of all moving,  
4 opposition, or non-opposition papers shall be provided to the  
5 Court in accordance with paragraph 3 of this Order. The  
6 Courtroom Deputy will notify counsel of the Court's ruling or  
7 a hearing date and time, if the Court determines a hearing is  
8 necessary.

9 **7. Applications or Stipulations to Extend the Time to File**  
10 **any Required Document or to Continue Any Date:**

11 No applications or stipulations extending the time to  
12 file any required document or to continue any date are  
13 effective until and unless the Court approves them.

14 Applications and/or stipulations to extend the time to file  
15 any required document or to continue any hearing, Pre-Trial  
16 date, or the Trial date, must set forth the following:

17 (a) the existing due date or hearing date, as well as  
18 all dates set by the Court, including the discovery cut-off  
19 date, the Pre-Trial Conference date, and the Trial date;

20 (b) the new dates proposed by the parties;

21 (c) specific, concrete reasons supporting good cause for  
22 granting the extension; and

23 (d) whether there have been prior requests for extensions  
24 by any party, and whether those requests were granted or  
25 denied by the Court.

26 All applications and stipulations must be accompanied by  
27 a separate and independent proposed order which must be  
28 submitted to the Court in accordance with the Local Rules.

1 Failure to submit a separate proposed order may result in the  
2 denial of the application or stipulation or the Court may  
3 withhold ruling on the application or stipulation until the  
4 Court receives a separate proposed order.

5 **8. Temporary Restraining Orders and Injunctions:**

6 **(a) Documentation Required:**

7 Parties seeking emergency or provisional relief shall  
8 comply with Fed.R.Civ.P.65 and the Local Rules. An ex parte  
9 application for a temporary restraining order must be  
10 accompanied by: (1) a copy of the complaint; (2) a separate  
11 memorandum of points and authorities in support of the  
12 application; (3) the proposed temporary restraining order and  
13 a proposed order to show cause why a preliminary injunction  
14 should not issue; and (4) such other documents in support of  
15 the application which the party wishes the Court to consider.

16 **(b) Notice of Ex Parte Applications:**

17 Unless relieved by order of the Court for good cause  
18 shown, on or before the day counsel files an ex parte  
19 application for a temporary restraining order, counsel must  
20 personally serve notice and all documents in support of the  
21 ex parte application and a copy of the Court's Standing Order  
22 on opposing counsel or party. Counsel shall also notify the  
23 opposing party that any opposition must be filed no later  
24 than twenty-four hours after the service of the ex parte  
25 application. Counsel shall immediately file a Proof of  
26 Service.

27 If counsel does not intend to oppose the ex parte  
28 application, counsel shall immediately inform the Courtroom

1 Deputy by e-mail and immediately file a Notice of Non-  
2 Opposition. The Court considers ex parte applications on the  
3 papers and usually does not set the matter for hearing.  
4 Courtesy Copies of all moving, opposition, or non-opposition  
5 papers shall be provided to the Court in accordance with  
6 paragraph 3 of this Order. The Courtroom Deputy will notify  
7 counsel of the Court's ruling or a hearing date and time, if  
8 the Court determines a hearing is necessary.

9 **9. Proposed Protective Orders and Filings Under Seal:**

10 Protective orders pertaining to discovery must be  
11 submitted to the assigned Magistrate Judge. Proposed  
12 protective orders should not purport to allow, without  
13 further order of Court, the filing under seal of pleadings or  
14 documents filed in connection with a hearing or trial before  
15 the Court. The existence of a protective order does not  
16 alone justify the filing of pleadings or other documents  
17 under seal, in whole or in part.

18 An application to file documents under seal must meet the  
19 requirements of the Local Rules and shall be limited to three  
20 documents by a party, unless otherwise ordered by the Court.  
21 The application to file documents under seal should not be  
22 filed under seal. There is a strong presumption of the  
23 public's right of access to judicial proceedings and records  
24 in civil cases. In order to overcome the presumption in  
25 favor of access, the movant must demonstrate compelling  
26 reasons (as opposed to good cause) for the sealing if the  
27 sealing is requested in connection with a dispositive motion  
28

1 or trial, and the relief sought shall be narrowly tailored to  
2 serve the specific interest sought to be protected. *Pintos*  
3 *v. Pacific Creditors Ass'n*, 605 F.3d 665 (9th Cir. 2010),  
4 *Kamakana v. City and County of Honolulu*, 447 F.3d 1172 (9th  
5 Cir. 2006), *Foltz v. State Farm Mut. Auto. Ins. Co.*, 331 F.3d  
6 1122, 1135 (9th Cir. 2003).

7 For each document or other type of information sought to  
8 be filed under seal, the party seeking protection must  
9 articulate compelling reasons supported by specific facts or  
10 legal justification that the document or type of information  
11 should be protected. The facts supporting the application to  
12 file documents under seal must be provided by a declaration.  
13 Documents that are not confidential or privileged in their  
14 entirety will not be filed under seal if the confidential  
15 portions can be redacted and filed separately. The  
16 application to file documents under seal should include an  
17 explanation of why redaction is not feasible.

18 If a party wishes to file a document that has been  
19 designated confidential by another party, the submitting  
20 party must give any designating party five calendar days  
21 notice of intent to file. If the designating party objects,  
22 it should notify the submitting party and file an application  
23 to file documents under seal within two court days.

24 If the parties anticipate requesting the Court to file  
25 more than three documents under seal in connection with any  
26 motion, they shall identify all such documents that will be  
27 required to support and oppose the motion during the Local  
28 Rule 7-3 conference. The parties shall then meet and confer

1 in order to determine if the documents satisfy the  
2 "compelling need" standard for "sealing" each document.  
3 Thereafter, the parties shall file a joint application and  
4 lodge a proposed order to file under seal all such documents  
5 with the required showing as to each document. The joint  
6 application shall be filed promptly so that the Court may  
7 rule on the application before the filing date for the  
8 motion. The parties shall not file any pleadings containing  
9 documents they have requested the Court to file under seal  
10 until the Court acts on the application to file under seal.

11 If an application to file documents under seal is denied  
12 in part or in full, the lodged documents will not be filed.  
13 The Courtroom Deputy will notify the submitting party, and  
14 hold the lodged documents for three court days to allow the  
15 submitting party to retrieve the documents. If the documents  
16 are not retrieved, the Courtroom Deputy will dispose of the  
17 documents.

18 A redacted version for public viewing, omitting only such  
19 portions as the Court has ordered filed under seal shall be  
20 promptly filed by the parties after the Court's Order sealing  
21 the documents. Should counsel fail to file a redacted  
22 version of the documents, the Court will strike any motion  
23 that relies on or relates to the document and/or file the  
24 document in the public record.

25 If the Court grants an application to file documents  
26 under seal, the Court's Courtesy Copies shall include a  
27 complete version of the documents with an appropriate  
28



1 notation identifying the document or the portion of the  
2 document that has been filed under seal.

3 **10. Cases Removed From State Court:**

4 All documents filed in state court, including documents  
5 attached to the Complaint, Answer(s), and Motion(s), must be  
6 re-filed in this Court as a separate supplement to the Notice  
7 of Removal. The supplement must be in a separately bound  
8 volume and shall include a Table of Contents. If the  
9 defendant has not yet answered or moved, the Answer or  
10 responsive pleading filed in this Court must comply with the  
11 Federal Rules of Civil Procedure and the Local Rules of the  
12 Central District. If before the case was removed a motion  
13 was pending in state court, it must be re-noticed in  
14 accordance with the Local Rules.

15 **11. Actions Transferred From Another District**

16 Counsel shall file, within ten days of transfer, a Joint  
17 Report summarizing the status of the action which shall  
18 include a description of all motions filed in the action and  
19 the transferor court's ruling on the motions. In addition,  
20 counsel shall deliver (but not file) one courtesy copy to  
21 Chambers of each document on the docket of the transferor  
22 court. On the first page of each courtesy copy, in the space  
23 between lines 1 - 7, to the right of the center, counsel  
24 shall include the date the document was filed and the  
25 document number. The courtesy copies shall be placed in a  
26 slant D-ring binder in chronological order with each document  
27 separated by a tab divider on the right side. All documents  
28 contained in the binder must be three hole punched with the

1 oversized 13/32" hole size, not the standard 9/32" hole size.  
2 The binder shall include a Table of Contents and the spine of  
3 each binder shall be labeled with its contents. The courtesy  
4 copies shall be delivered to Chambers within ten days of the  
5 transfer.

6 **12. Status of Fictitiously Named Defendants:**

7 This Court adheres to the following procedures when a  
8 matter is removed to this Court on diversity grounds with  
9 fictitiously named defendants referred to in the Complaint:

10 (a) Plaintiff shall ascertain the identity of and serve  
11 any fictitiously named defendants within 90 days of the date  
12 that the Complaint was filed in State Court.

13 (b) If plaintiff believes (by reason of the necessity for  
14 discovery or otherwise) that fictitiously named defendants  
15 cannot be fully identified within the 90-day period, an ex  
16 parte application requesting permission to extend the period  
17 to effectuate service may be filed with the Court. Such  
18 application shall state the reasons therefore, and will be  
19 granted only upon a showing of good cause. The ex parte  
20 application shall be served upon all appearing parties, and  
21 shall state that appearing parties may respond within seven  
22 calendar days of the filing of the ex parte application.

23 (c) If plaintiff desires to substitute a named defendant  
24 for one of the fictitiously named defendants, plaintiff shall  
25 first seek the consent of counsel for all defendants (and  
26 counsel for the fictitiously named party, if that party has  
27 separate counsel). If consent is withheld or denied,  
28 plaintiff shall file an ex parte application requesting such

1 amendment, with notice to all appearing parties. Each party  
2 shall have seven calendar days to respond. The ex parte  
3 application and any response should comment not only on the  
4 substitution of the named party for a fictitiously named  
5 defendant, but on the question of whether the matter should  
6 thereafter be remanded to the Superior Court if diversity of  
7 citizenship is destroyed by the addition of the new  
8 substituted party.

9 **13. Bankruptcy Appeals:**

10 Counsel shall comply with the Notice Regarding Appeal  
11 From Bankruptcy Court issued at the time the appeal is filed  
12 in the District Court. Counsel are ordered to notify the  
13 Court in a joint report if the Certificate of Readiness has  
14 not been prepared by the Clerk of the Bankruptcy Court and  
15 submitted to the Clerk of the District Court within 90 days  
16 of the date of this Order.

17 The matter is considered submitted upon the filing of the  
18 final brief. No oral argument is held unless ordered by the  
19 Court.

20 **14. Communications with Chambers:**

21 Counsel shall not attempt to contact the Court or its  
22 Chambers staff by telephone or by any other ex parte means,  
23 although counsel may contact the Courtroom Deputy at  
24 shannon\_reilly@cacd.uscourts.gov with appropriate inquiries.  
25 To facilitate communication with the Courtroom Deputy,  
26 counsel should list their facsimile transmission numbers and  
27 e-mail address along with their telephone numbers on all  
28 papers.

1 **15. Notice of This Order:**

2 Counsel for plaintiff shall immediately serve this Order  
3 on all parties, including any new parties to the action. If  
4 this case came to the Court by noticed removal, defendant  
5 shall serve this Order on all other parties.

6 **Caveat: If counsel fail to cooperate in the preparation of**  
7 **the required Joint Rule 26 Report or fail to file the**  
8 **required Joint Rule 26 Report, or if counsel fail to appear**  
9 **at the Scheduling Conference, the Pre-Trial Conference and/or**  
10 **any other proceeding scheduled by the Court, and such failure**  
11 **is not otherwise satisfactorily explained to the Court: (a)**  
12 **the cause shall stand dismissed for failure to prosecute, if**  
13 **such failure occurs on the part of the plaintiff; (b) default**  
14 **judgment shall be entered if such failure occurs on the part**  
15 **of the defendant; or (c) the Court may take such action as it**  
16 **deems appropriate.**

17  
18 IT IS SO ORDERED.

19  
20 DATED: July 27, 2017

  
\_\_\_\_\_  
JOHN F. WALTER  
UNITED STATES DISTRICT JUDGE